SINGLE BENCH (5)

Page-(1) CF100L

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO (S). 1112 OF 2007

PETITIONER : Prahalad Prasad Sharma, aged about 59 years, son of Late Ramnath Sharma, Occupation-service, presently posted as Sub-Divisional Officer, Water Resources Department, Sub Division No.2, Kawardha, District Kabirdham.

P.F. No. 8457
Presented by Shri Dinesh K. Tiwari
dated 31/11/07

VS

RESPONDENTS :

1. State of Chhattisgarh, through the Secretary, Ministry of Water Resources, D.K.S. Bhawan, Raipur.
2. ENGINEER IN CHIEF, Water Resources Department, Sihava Bhawan, Raipur.
3. The Chief Engineer, MAHANDI-GODAVARI BASIN, Raipur.
4. The Superintending Engineer, Water Resources Department, SHIVNATH CIRCLE DURG (C.G).
5. Shri S.K. Tiwari, Executive Engineer, Water Resources Department, Division Kawardha, District Kabirdham.

RECEIVED-COPY
31/11/07
CLERK to A. G. BILASPUR

OATH COMMISSIONER
S.R. Kaushik
BILASPUR TAHSIL AREA

WRIT PETITION UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA.

(57)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1112 of 2007

Petitioner Prahalad Prasad Sharma

Versus

Respondents State of Chhattisgarh and others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Dinesh Tiwari, Advocate for the petitioner.

ORDER

(Passed on 26th day of February, 2007)

1. By this petition, the petitioner challenges the validity of the order dated 18.10.2006 (P/2) issued by the Executive Engineer, Water Resources Department, Division Kawardha, District-Kabirdham/respondent No. 5, whereunder the petitioner was directed to hand over the papers to Shri K.S. Mishra, Attached Officer and the order dated 12.12.2006 (P/6), whereunder he was again directed to hand over the said papers to other officer on the ground of lethargic and non-action on the part of the petitioner. The show-cause notice dated 28.12.2006 (P/8) was issued for initiating disciplinary action against him for insubordination and by not complying the orders passed by the senior authorities.

2. The petitioner, who was working as Assistant Engineer (Valuation), Water Resources Department, Sub-Division No. 2, Kawardha was assigned the additional charge of the Sub-Divisional Officer, Water Resources Department, Sub-Division No. 2, Kawardha, District-Kabirdham till further order, in addition to his original posting, as stated above. The petitioner was found negligent and lethargic in conduct of the affairs of the said division. Accordingly, by the

orders dated 18.10.2006 (P/2) and 12.12.2006 (P/6) he was asked to hand over the additional charge to Shri K.S. Mishra, Attached Officer.

3. The petitioner, despite reminders, failed to comply with the orders passed by the senior officers. Consequently, the show-cause notice dated 28.12.2006 (P/8) was issued for initiating the disciplinary action against him. The petitioner has filed this petition impugning the orders dated 18.10.2006 (P/2) and 12.12.2006 (P/6) directing him to hand over the additional charge to other officers and consequently, the show-cause notice dated 28.12.2006 (P/8) for initiating disciplinary action against him.

4. It is well settled principle of law that the show-cause notice is not a punishment and the High Court in exercise of extraordinary, discretionary jurisdiction should not interfere with the show-cause notice, except in exceptional cases, wherein grave prejudice would be caused to the employee. In the present case, nothing has been shown so asto establish great prejudice, likely to be caused to the petitioner. It appears that the petitioner, in addition to his original charge wants to retain additional charge also, wherein he has no right. The additional charge was assigned only as a stop gap arrangement.

5. This petition is devoid of merit and tantamount to misuse of the judicial process. There is no semblance of any legal right, which can be sought to be enforced in this petition. Thus, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Bablu